

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Kevin Levar Rollinson,)	Case No. 8:24-cv-04526-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Perfect Delivery, Patti Ramseur,)	
Ramseur Maultsby,)	
)	
Defendants.)	
_____)	

This matter is before the Court for review of Plaintiff's complaint. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation ("Report"). On October 24, 2024, the Magistrate Judge directed Plaintiff to file an amended complaint. ECF No. 21. Plaintiff has not filed an amended complaint.¹ On December 4, 2024, the Magistrate Judge issued a Report recommending that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and comply with an order of the Court.² ECF No. 28. The

¹ After the amended complaint order was issued, Plaintiff filed a motion to amend the complaint. ECF No. 24. The Magistrate Judge denied the motion as moot as Plaintiff had previously been directed to file an amended complaint and extended the time for him to file the amended complaint. ECF No. 25. Plaintiff still has not filed an amended complaint.

² The Magistrate Judge further recommends dismissal upon review of the merits of Plaintiff's complaint.

Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences for failing to do so. Plaintiff has not filed objections and the time to do so has lapsed.

APPLICABLE LAW AND ANALYSIS

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

CONCLUSION

Upon consideration of the Report, the record, and the applicable law, the Court finds no clear error and adopts the recommendation of the Magistrate Judge. This action

is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b), without issuance and service of process, and without further leave to amend.³

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

April 10, 2025
Spartanburg, South Carolina

³ The remaining portion of the Report is found as moot.